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January 7, 2020

JAN - 9 2020

Director, Division of Water and Waste Management, WVDEP
ATTN: Katheryn Emery-Fultineer
601 57th Street SE
Charleston, WV 25304-2345

RE: Exceedances and Spills of NPDES Water Pollution Control Permit No. WV0001279 The Chemours Company FC, LLC, Washington, WV

Dear Ms. Emery-Fultineer:

The purpose of this letter is to request information about compliance and enforcement actions related to West Virginia National Pollutant Discharge Elimination System (NPDES) Water Pollution Control Permit No. WV0001279 for The Chemours Company FC, LLC (Chemours) facility in Washington, Wood County, West Virginia.

West Virginia American Water (WVAW) operates several water systems, including the Huntington water system, which draws its water from the Ohio River to provide public drinking water service in the area. Our Huntington system serves approximately 39,000 direct customers plus the communities of Lavalette, W.Va. and Chesapeake, Ohio. These communities rely on the quality of the Ohio River for their everyday needs – homes, businesses, universities, hospitals, and more.

The Huntington water system is located approximately 115 miles downstream from the Chemours facility, and is one of many water utilities downstream of this facility that use the Ohio River as a source of supply for drinking water. Water suppliers and the communities we serve rely on water pollution control permits to provide protections from discharges that could negatively impact water quality. We have an important interest and stake in the referenced permit and compliance history.

Waste materials generated from the Chemours facility manufacturing process are discharged to the Ohio River and consequently have the potential to impact water quality of a major drinking water supply. Per- and polyfluoroalkyl substances (PFAS), have been identified as substances that may lead to adverse human health effects with exposure over certain levels.

We understand that United States Environmental Protection Agency Regions III and V entered into an Administrative Order of Consent (Order) on March 10, 2009 with the Chemours facility in relation to PFOA. The Order was later amended on January 6, 2017. It has also come to our attention that the Chemours facility has since had multiple discharge exceedances and/or spills related to HFPO-DA.

As a drinking water supplier, we believe it is in the best interest of public health and the environment that the Chemours facility operates and maintains their disposal systems and best management practices to prevent exceedances of discharge limitations and monitoring requirements. We would like to better understand the current status of activities at this site and how they could potentially affect downstream water supplies.

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To that end, we ask the Department to provide the compliance and enforcement actions taken with the Chemours facility for exceedances and/or spills of HPFO-DA in 2019. We also request a summary of the current status and actions taken in 2019 related to the provisions for waste treatment and monitoring requirements set forth in the Schedule of Compliance on pg. 67-68 of permit No. WV0001279. Due to the nature of the request, we appreciate immediate attention to the matter and request a response within 30 days of receiving this letter.

We appreciate the Department's efforts to protect the environment and human health. Please contact us if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Erica Pauken". The signature is written in a cursive, flowing style.

Erica Pauken
Source Water Protection State Lead

A handwritten signature in black ink that reads "J. Heymann". The signature is written in a cursive, flowing style.

Jennifer L. Heymann
Source Water Protection Program Manager